



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of S.D.J., Fire Fighter
(M2543M), Kearny

Medical Review Panel Appeal

CSC Docket No. 2016-1397

ISSUED: **DEC 28 2017** (BS)

S.D.J. appeals his rejection as a Fire Fighter candidate by the Town of Kearny and its request to remove his name from the eligible list for Fire Fighter (M2543M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on August 24, 2016, which rendered the attached report and recommendation on August 24, 2016. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as evidencing significant problems with poor social competence, poor dutifulness, and poor judgment. S.D.J. was highly defensive during the evaluation, and had been involved in a recent incident where a co-worked obtained a Temporary Restraining Order (TRO). The appellant had also been disciplined at work recently for failing to do his job (fully clean a bus) and he was terminated from another job for having an accident with a company vehicle. The appellant's driving history includes one license suspension, three moving violations, and three accidents within the last three years which Dr. Gallegos opined demonstrated a lack of impulse control. Dr. Gallegos noted that the psychological test data supported his conclusions regarding the appellant. The appellant's high scores on some of the testing instruments was indicative of an attempt to portray himself in an overly favorable light so Dr. Gallegos indicated the results should be reviewed with

caution. Dr. Gallegos failed to recommend the appellant for appointment to the subject position.

Dr. Robert Kanen, evaluator on behalf of the appellant, carried out a psychological evaluation and indicated that the test data suggested that the appellant was functioning within normal ranges and there were no indications of psychopathology or personality problems which would interfere with work performance. Although the appellant's cognitive and academic skills were below that of an average public safety employee, Dr. Kanen opined that his work history and mechanical ability suggested that he would make a good Fire Fighter. The appellant's one TRO aside, Dr. Kanen found the appellant to be stable and responsible, with no evidence of drug or alcohol problems or temper control issues. Dr. Kanen could find no reason why the appellant was not psychologically fit to serve as a Fire Fighter.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel concluded that the negative recommendation found support in the appellant's TRO, poor social competence, poor dutifulness, and poor judgment. Although the TRO was later dismissed by the court, the Panel expressed concerns regarding the appellant's judgment in the series of events leading to the TRO. Finally, the Panel was also concerned with the appellant's driving and employment history, which it found further demonstrated the appellant's lack of judgment. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that the Panel's report and recommendation focused on the negative things in his record. The appellant argues that he has matured and seeks to make a positive contribution to society by becoming a Fire Fighter.

CONCLUSION

The Class Specification for the title of Fire Fighter is the official job description for such positions within the civil service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to

think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical thinking when responding to many emergency situations. Examples include conducting step-by-step searches of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of water at a fire, adequately maintaining equipment and administering appropriate treatment to victims at the scene of a fire, e.g. preventing further injury, reducing shock, restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and firefighting operations.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. The Panel's concerns centered on appellant's TRO, poor social competence, poor dutifulness, and poor judgment. The Commission finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel. The Commission notes that the Panel conducts an independent review of all of the raw data presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it. The Panel's observations regarding the appellant's appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants.

Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that S.D.J. is psychologically unfit to perform effectively the duties of a Fire Fighter and, therefore, the Commission orders that his name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 21ST DAY OF DECEMBER, 2016



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Chairperson
Civil Service Commission

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Attachment

c: S.D.J.
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